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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,614	04/05/2001	Ronald A. Katz	258/180 (6646-101NR)	6985
35554	7590	01/14/2004	EXAMINER	
REENA KUYPER, ESQ. BYARD NILSSON, ESQ. 9220 SUNSET BOULEVARD SUITE 315 LOS ANGELES, CA 90069			WOO, STELLA L	
		ART UNIT	PAPER NUMBER	
		2643	14	
DATE MAILED: 01/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/827,614	KATZ, RONALD A.
	<b>Examiner</b>	<b>Art Unit</b>
	Stella L. Woo	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 September 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 29-52 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 29-52 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on September 15, 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,255,309 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-38, 40-50, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Entenmann et al. (US 4,996,705, hereinafter “Entenmann”) in view of Troy et al. (US 4,494,197, hereinafter “Troy”), and further in view of the publication entitled “The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications” (hereinafter “Hester”).

Entenmann discloses an analysis control system (lottery system) comprising:

interface structure (switching network 9 coupled to local switching system 3 to interface the customer station 1; col. 2, lines 7-30);

record testing schedule (customer eligibility is verified using database 19; col. 2, lines 54-65); and

analysis structure (control processor 8 receives and processes lottery entry data for use in a select lottery format, isolating winning callers and recording additional customer data after the win is announced; col. 3, lines 9-67).

Entenmann differs from claims 29-38, 40-50, 52 in that it does not specify receiving a caller's social security number. However, as taught by Troy (col. 4, lines 54-60), it is well known to use a social security number for verifying a user's identify such that it would have been obvious to an artisan of ordinary skill to incorporate the use of a social security number, as taught by Troy, within the system of Entenmann for verifying a caller's eligibility.

Entenmann and Troy further differ from claims 29-38, 40-50, 52 in that it does not recite the use of DNIS for selecting a specific operating format. However, Hester teaches the well known of DNIS for selecting a specific operating format from a plurality of formats and interacting with the caller according to the specified format (see entire publication) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of DNIS, as taught by Hester, within the combination of Entenmann and Troy in order to more quickly determine the service desired by a caller.

Regarding claims 30-34, 42-46, in Entenmann, callers provide credit card information (col. 2, lines 63-65).

4. Claims 39 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Entenmann, Troy and Hester, as applied to claims 29 and 41 above, and further in view of Stephenson, Jr. et al. (US 3,727,186, hereinafter "Stephenson").

The combination differs from claims 39 and 51 in that although it does teach using a credit card number in determining eligibility (Entenmann, col. 2, lines 63-65), it does not specify

the credit verification process as including testing for negative file data. However, Stephenson teaches that it is old and well known in the credit authorization art to test for negative file data (warning file 30) when determining whether or not a credit card number is authorized (col. 5, lines 22-28; col. 6, lines 30-37) such that it would have been obvious to an artisan of ordinary skill at the time of invention to test for negative file data, as taught by Stephenson, within the combination of Entenmann, Troy and Hester in order to quickly identify an invalid credit card number.

***Response to Arguments***

5. Applicant's arguments with respect to claims 29-52 have been considered but are moot in view of the new grounds of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Stella L. Woo  
Primary Examiner  
Art Unit 2643